

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DEBRA ANN ZITO</b>	:	<b>CIVIL ACTION</b>
	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>NO. 16-2761</b>
	:	
<b>APEX ASSET MANAGEMENT, LLC, and JOHN KLINE</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

**AND NOW**, this *31st* day of March, 2017, upon consideration of the Defendants' Motion for Judgment on the Pleadings and/or in the Alternative for Partial Summary Judgment (Docket No. 6) and the Plaintiff's Response in Opposition (Docket No. 8), it is hereby **ORDERED** that:

1. The defendants' motion for judgment on the pleadings is **GRANTED** with respect to the claims against John Kline in counts one and two. Those claims are **DISMISSED WITHOUT PREJUDICE**.
2. The defendants' motion for judgment on the pleadings is **GRANTED** with respect to the claims against John Kline and Apex Asset Management, LLC in counts three and five. Those claims are **DISMISSED WITHOUT PREJUDICE**.
3. The defendants' motion for judgment on the pleadings is **DENIED** with respect to the claims against Apex Asset Management, LLC in counts one and two.
4. The defendants' motion for judgment on the pleadings is **DENIED** with respect to the claims against John Kline and Apex Asset Management, LLC in count four.

It is so **ORDERED**.

BY THE COURT:

/s/ Lawrence F. Stengel

LAWRENCE F. STENGEL, J.